REMARKS

Reconsideration of this application is respectfully requested in view of the foregoing amendment and the following remarks.

Claims 1-22 are pending in the present application. Claims 1, 7 and 12 have been amended. These amendments are believed not to introduce new matter and their entry is respectfully requested. After entry of the amendments, Applicant respectfully requests the Examiner reconsider and withdraw the rejection to claims 1-22.

Paragraph 2 of the Office Action rejects claims 1, 7, 12 and 17 under 35 U.S.C. § 102(e) as allegedly being unpatentable by U.S. Patent Application Publication No. 2001/0033225. Applicants have amended claims 1, 7 as 12 to overcome the rejection. Applicants respectfully traverse the rejection with respect to claim 17.

Razavi is directed to a system and method for collecting vehicle information from a single vehicle using an automobile configured to have its own network. Communication with the in-car network can be performed through a variety or devices, each having its own IP address. Vehicle information from the in-car network is provided to a receiver external to the vehicle.

Applicants respectfully submit that Razavi does not teach or suggest their invention as recited in amended claims 1, 7 and 12. Claim 1 has been amended to recite that the selection means determines whether to send the vehicle data using the first or second transmission network "according to a priority." Similarly claim 12 has been amended to recite that the determining step which transmission network to send the vehicle data over "according to a priority."

Applicants respectfully submit that nowhere, does Razavi disclose selecting a transmission network according to a priority. While Razavi does disclose multiple communications devices, each communication device is provided with its own independent IP address. As a result, those communication devices can communicate without having to be assigned a priority for their communication. Thus, Applicants respectfully submit that Razavi does not render claims 1 or 12 unpatentable. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection with respect to claim 1 and its independent claims 2-6 and claim 12 and its independent claims 13-16.

Claim 7 is directed to managing a fleet of vehicles. Razavi is directed to collecting data from a single vehicle. It makes no mention or suggestion of using that data to manage a fleet of vehicles. In fact, Razavi is intended to provide for easy re-configuration and upgrade of the single vehicle in which it is employed. Applicants have further amended claim 7 to recite "means for managing the fleet of vehicles using the vehicle data" to further clarify this distinction between Razavi and their invention. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 7 and it independent claims 8-11.

Claim 17 is directed to a method for managing a fleet of vehicles. Claim 17 recites the step of "placing an in-vehicle control using in *every vehicle* in the fleet of vehicles...." Razavi is only directed to placing an in-car network in a single vehicle. Nowhere, does Razavi mention a fleet of vehicles, let alone using his in-car network to manage a fleet of vehicles as recited in claim 17. Moreover, claim 17 recites the step of "analyzing the vehicle data to generate routing

schedules to route the vehicles in the fleet." Applicants respectfully submit, that Razavi, which is directed to a single vehicle, does not disclose this step. Accordingly, Application respectfully request that the Examiner reconsider and withdraw the rejection of claim 17, and its dependent claims 18-22.

In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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Respectfully submitted,

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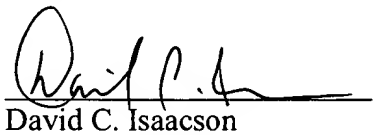
Date: September 5, 2002

By: 

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Attachments: Amended Claims w/ Markings

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VERSION WITH MARKINGS TO SHOW CHANGES MADE TO CLAIMS

1. (Amended) A multi-mode in-vehicle control unit in a vehicle, comprising:

a first modem to send vehicle data collected from the vehicle over a first transmission network;

a second modem to send vehicle data collected from the vehicle over a second transmission network; and

selection means to determine whether to send the vehicle data using the first transmission network or the second transmission network in accordance with a selection parameter <u>according to a priority</u>.

7. (Amended) A system for managing a fleet of vehicles, comprising:

a multi-mode in-vehicle control unit in one or more of the vehicles in the fleet of vehicles, wherein each in-vehicle control unit comprises:

a first modem to send vehicle data collected from the vehicle over a first transmission network;

a second modem to send [status] <u>the vehicle</u> data collected from the vehicle over a second transmission network; and

selection means to determine whether to send the status data using the first transmission network or the second transmission network in accordance with a selection parameter<u>; and</u>

<u>means for managing the fleet of vehicles using the vehicle data</u>.

12. (Amended) A method for sending vehicle data from an in-vehicle control unit to a processing center, comprising the steps of:

collecting the vehicle data;

determining whether to transmit the vehicle data to a processing center over a first transmission network or a second transmission network according to a priority; and

transmitting the data to the processing center over the first transmission network using a first modem if the determining step determines that the vehicle data should be transmitted over the first transmission network; and

transmitting the data to the processing center over the second transmission network using a second modem if the determining step determines that the vehicle data should be transmitted over the second transmission network.